

Message Text

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ORIGIN L-03

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FRB-03 INR-07 NSAE-00 USIA-06 TRSE-00 XMB-02 OPIC-03

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EUR/EE - MR. ANDREWS

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TO AMEMBASSY BRUSSELS

INFO AMEMBASSY LONDON

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E.O. 11652: N/A

TAGS: EFIN, PL

SUBJECT: DANZIG GOLD, DANZIG BONDS

REF: STATE 124986 OF JUNE 28, 1973

BRUSSELS FOR TGC COMMISSIONER

DEPARTMENT STILL NOT IN A POSITION TO MOVE FORWARD WITH
BRITISH AND FRENCH TO SUBMIT NOTE TO TRIPARTITE GOLD
COMMISSION ALONG LINES SET FORTH IN PARAGRAPH 9 OF REFTTEL.
HOWEVER, BRITISH HAVE SUGGESTED CERTAIN CHANGES WHICH WE
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HAVE IN THE MAIN ACCEPTED, EXCEPT AS INDICATED BELOW.

BRITISH REPRESENTATIVE IN WASHINGTON ADVISED AS FOLLOWS:

(1) IN FIRST PARAGRAPH WE ARE AGREEABLE TO DELETING "CONCERNING THE DECISION OF JUNE 9, 1958, RESPECTING THE DANZIG GOLD" AND SUBSTITUTING "CONCERNING THE ADJUDICATION OF JUNE 9, 1958, RESPECTING THE RESTITUTION OF GOLD."

(2) REMAINS AS IS.

(3) WE WOULD CHANGE THIS TO READ:

THE GOVERNMENT OF THE UNITED STATES REFERS TO SECTION IX(B) OF THE POTSDAM PROTOCOL OF AUGUST 2, 1945, PURSUANT TO WHICH THE GOVERNMENT OF POLAND HAS BEEN EXERCISING AUTHORITY IN DANZIG FOR MORE THAN THIRTY YEARS AND HAS BEEN EXPENDING FUNDS IN DANZIG. THE GOVERNMENT OF THE UNITED STATES FURTHER NOTES THAT MORE THAN SEVENTEEN YEARS HAVE ELAPSED SINCE THE COMMISSION ISSUED ITS ADJUDICATION OF JUNE 9, 1958, AND THAT NO OTHER GOVERNMENT APPEARS TO HAVE ANY REASONABLE CLAIM AND THAT THE POLISH GOVERNMENT IS THE ONLY FORMAL CLAIMANT. FINALLY THE GOVERNMENT OF THE UNITED STATES OF AMERICA NOTES THAT THERE ARE NO CURRENT PLANS FOR CONVENING A CONFERENCE FOR CONCLUDING THE PEACE SETTLEMENT ENVISAGED BY THE POTSDAM PROTOCOL.

(A) THE BRITISH PROPOSED THAT THE REFERENCE BE TO SECTION VIII(B) OF THE POTSDAM PROTOCOL. WE POINTED OUT THAT IN THE ADJUDICATION OF JUNE 9, 1958, REFERENCE ALREADY EXISTS TO SECTION IX(B) OF THE POTSDAM PROTOCOL. AS WE UNDERSTAND THE SITUATION, THE POTSDAM PROTOCOL AS SIGNED BY THE HEADS OF GOVERNMENT LACKED A SECTION V AND THE BRITISH APPEAR TO HAVE RENUMBERED THE LATER SECTIONS TO RECTIFY THIS ERROR. APPARENTLY, WHEN THE STATE DEPARTMENT ISSUED THE PROTOCOL UNDER A PRESS RELEASE, THE NUMBERING OF SECTION IX WAS RETAINED. IN VIEW OF THE EXISTING USE OF SECTION IX IN THE ADJUDICATION AND THE DIFFERING PRACTICES WE PREFER TO RETAIN THE REFERENCE AS SECTION IX IN THE ADJUDICATION ALTHOUGH WE HAVE NO OBJECTION IF THE BRITISH WISH TO USE SECTION VIII(B) IN LIMITED OFFICIAL USE

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THEIR NOTE TO THE TGC.

(B) SINCE MORE THAN TWO AND A HALF YEARS HAVE PASSED SINCE THE LAST DRAFT OF THE PROPOSED NOTE WE PROPOSE UPDATING THE TWENTY-SEVEN YEARS TO THIRTY YEARS AND THE FOURTEEN YEARS TO SEVENTEEN YEARS.

(C) IN ACCORDANCE WITH THE BRITISH RECOMMENDATION WE

HAVE DELETED "ADJUDICATION IN THE MATTER OF THE DANZIG GOLD" AND HAVE SUBSTITUTED "ADJUDICATION OF JUNE 9, 1958".

THE SECOND SENTENCE THE PHRASE "AND THAT NO OTHER GOVERNMENT APPEARS TO HAVE ANY REASONABLE CLAIM AND THAT THE POLISH GOVERNMENT IS THE ONLY FORMAL CLAIMANT." THE BRITISH HAD SUGGESTED AN AMENDMENT ALONG THESE LINES TO BE INSERTED IN PARAGRAPH 4 BY ADDING AFTER "PRECEDING PARAGRAPH" THE WORDS "AND TAKING INTO ACCOUNT THAT NO

OTHER GOVERNMENT, BODY OR INDIVIDUAL APPEARS TO HAVE ANY REASONABLE CLAIM, AND THAT THE POLISH GOVERNMENT IS THE ONLY FORMAL CLAIMANT." SINCE THIS POINT WAS AN ADDITIONAL ARGUMENT FOR RECONSIDERATION OF THE JUNE 1958 ADJUDICATION WE THOUGHT IT MORE PROPERLY BELONGED IN PARAGRAPH 3 WITH THE OTHER ARGUMENTS FOR RECONSIDERATION. SECONDLY, SINCE THE TRIPARTITE COMMISSION DOES NOT RECEIVE CLAIMS FROM BODIES (CORPORATIONS, ASSOCIATIONS, ETC.) OR INDIVIDUALS, WE THINK IT BEST TO RESTRICT THIS STATEMENT SOLELY TO GOVERNMENTS.

(4) REMAINS AS IS. (THE GIST OF THE BRITISH PROPOSED CHANGE HAVING BEEN INCORPORATED IN PARAGRAPH 3, AS INDICATED PREVIOUSLY.)

(5) REMAINS AS IS.

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IF THE BRITISH ARE AGREEABLE TO THE CHANGES WE HAVE PROPOSED IN PARAGRAPH 3 AND WITHDRAW THEIR PROPOSED CHANGE IN PARAGRAPH 4, WE WILL BOTH BE IN A POSITION TO GIVE LIMITED OFFICIAL USE

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THE FRENCH A COMMON TEXT WITH A REQUEST THAT THEY CONSIDER IT AND ADVISE US WHETHER THEY CONCUR AND ARE PREPARED IN DUE COURSE, ALONG WITH THE U.S. AND U.K., TO TRANSMIT IT TO THE TRIPARTITE GOLD COMMISSION TO START THE PROCESS OF RECONSIDERING THE 1958 ADJUDICATION. KISSINGER

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